

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>08-299</u>
v.	:	DATE FILED: <u>December 16, 2008</u>
MALIK SNELL	:	VIOLATIONS:
	:	18 U.S.C. § 1951(a) (conspiracy to
	:	interfere with interstate commerce
	:	by robbery - 1 count)
	:	18 U.S.C. § 1951(a) (attempted
	:	interference with interstate commerce by
	:	robbery - 1 count)
	:	18 U.S.C. § 1951(a) (interference with
	:	interstate commerce by robbery - 1 count)
	:	18 U.S.C. § 924(c)(1) (using and carrying
	:	a firearm during and in relation to a
	:	crime of violence - 2 counts)
	:	Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant to this superseding indictment:

1. K.R., a person known to the grand jury, was engaged in the sale, distribution, and trafficking of illegal controlled substances, that is, cocaine base (“crack”), in Montgomery County, Pennsylvania, in the Eastern District of Pennsylvania, activities which affected interstate commerce.

2. From in or about early December 2007 to on or about December 17, 2007, in the Eastern District of Pennsylvania, and elsewhere, defendant

MALIK SNELL,

conspired and agreed, together with his co-conspirators, Tyree Aimes and Stephon Gibson,

charged elsewhere, and with others known and unknown to the grand jury, to commit robbery, which robbery would unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, in that defendant SNELL and conspirators Aimes and Gibson, conspired to unlawfully take and obtain U.S. currency belonging to K.R., from S.S. and S.M., persons known to the grand jury, from the person and in the presence of another against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property in their possession, all in violation of Title 18, United States Code, Section 1951(a), (b)(1) and (b)(3).

MANNER AND MEANS

It was part of the conspiracy that:

3. Defendant MALIK SNELL was a Philadelphia Police Officer, who as part of this conspiracy, used his position to thwart law enforcement from apprehending and prosecuting defendant SNELL and the other conspirators.

4. Defendant MALIK SNELL and conspirators Tyree Aimes and Stephon Gibson knew that S.M. held proceeds from K.R.'s sale of crack cocaine at S.M.'s residence at 14 South Roland Street, Apartment No. 1, Pottstown, Pennsylvania.

5. Defendant MALIK SNELL and conspirators Tyree Aimes and Stephon Gibson agreed to rob S.M. of drug proceeds belonging to K.R., which property and movement of which affected interstate commerce.

OVERT ACTS

In furtherance of this conspiracy, defendant MALIK SNELL, conspirators Tyree Aimes and Stephon Gibson, and others known and unknown to the grand jury, committed the following overt acts among others, in the Eastern District of Pennsylvania:

1. In or about December 2007, Person No. 1 known to the grand jury (Person # 1), told Tyree Aimes that K.R. often stored the proceeds of his illegal drug sales at S.M.'s residence in Pottstown, Pennsylvania.

2. In or about December 2007, Tyree Aimes and Person No. 1 planned and agreed that Aimes and others would unlawfully enter S.M.'s residence and steal K.R.'s drug proceeds.

3. In or about December 2007, Tyree Aimes urged and solicited Stephon Gibson to help Aimes steal K.R.'s drug proceeds from S.M.'s residence.

4. In or about December 2007, Tyree Aimes **selected** defendant MALIK SNELL to drive to and from the robbery because defendant SNELL was an active Philadelphia Police Officer, making it less likely that defendant SNELL and his co-conspirators would be apprehended if stopped by police.

On or about December 16, 2007:

5. Tyree Aimes asked defendant MALIK SNELL to drive Aimes and Gibson from West Philadelphia to Pottstown, Pennsylvania for the purpose of stealing drug proceeds belonging to K.R. from an apartment in Pottstown.

6. Defendant MALIK SNELL drove Tyree Aimes and Stephon Gibson in defendant SNELL's vehicle, a 2006 White Dodge Durango, from Philadelphia, Pennsylvania to

S.M.'s residence in Pottstown, Pennsylvania.

7. In preparation for the robbery, defendant MALIK SNELL carried a Colt .380 semi-automatic handgun, serial number RC26749, fully loaded with eight rounds of ammunition and one round in the chamber.

On or about December 17, 2007:

8. Tyree Aimes approached S.M.'s residence in Pottstown, Pennsylvania and began fighting with S.S., a resident of the apartment.

9. Stephon Gibson entered S.M.'s residence in Pottstown, Pennsylvania, but failed to locate the drug proceeds belonging to K.R.

10. Tyree Aimes fled from S.M.'s residence to defendant MALIK SNELL's vehicle, leaving defendant Stephon Gibson behind.

11. Defendant MALIK SNELL and Tyree Aimes drove away from the scene of the robbery at S.M.'s residence, but immediately returned to look for Stephon Gibson.

12. After police tried to stop defendant MALIK SNELL's vehicle, defendant SNELL tried to evade police, driving away from the police for approximately 18 miles at speeds of up to 130 miles per hour.

13. After crashing into another vehicle, defendant MALIK SNELL and Tyree Aimes fled on foot from defendant SNELL's vehicle and attempted to hide from police.

All in violation of Title 18, United States Code, Sections 1951(a), (b)(1), and (b)(3).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 3 through 5, and Overt Acts 1 through 13 of Count One of this superseding indictment are incorporated here.

2. Between on or about December 16, 2007, and on or about December 17, 2007, in the Eastern District of Pennsylvania, and elsewhere, defendant

MALIK SNELL

attempted to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, in that defendant SNELL, and others known and unknown to the grand jury, unlawfully attempted to take and obtain, and aided and abetted the unlawful attempted taking and obtaining of drug proceeds belonging to K.R., a person known to the grand jury, from the person or in the presence of S.M. and S.S., persons known to the grand jury, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, that is, by using physical force on and otherwise threatening S.S. and S.M.

In violation of Title 18, United States Code, Sections 1951(a), (b)(1), and (b)(3), and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

Between on or about December 16, 2007, and December 17, 2007, in the Eastern District of Pennsylvania, and elsewhere, defendant

MALIK SNELL

knowingly used and carried, and aided and abetted the using and carrying of, a firearm, that is, a Colt .380 semi-automatic handgun, serial number RC26749, fully loaded with 8 rounds of ammunition, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to interfere with commerce by robbery, and attempted interference with commerce by robbery, in violation of 18 U.S.C. §§ 1951(a), (b)(1), and (b)(3) and 2.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 14, 2007, in the Eastern District of Pennsylvania,
defendant

MALIK SNELL

obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce by robbery, in that defendant SNELL unlawfully took and obtained approximately \$40,000 in drug proceeds belonging to R.M., a person known to the grand jury, from the person of or in the presence of R.M. against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person and property, that is, by using physical force on and otherwise threatening R.M.

In violation of Title 18, United States Code, Sections 1951(a), (b)(1) and (b)(3).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 14, 2007, in the Eastern District of Pennsylvania,
defendant

MALIK SNELL

knowingly used and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, interference with commerce by robbery, in violation of 18 U.S.C. §§ 1951(a), (b)(1), and (b)(3).

In violation of Title 18, United States Code, Section 924(c)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violation of Title 18, United States Code, Section 924(c)(1), set forth in this indictment, defendant

MALIK SNELL

shall forfeit to the United States of America, the firearm and ammunition involved in the commission of such offense, including, but not limited to a Colt .380 semi-automatic handgun, serial number RC26749 and 8 rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

LAURIE MAGID
Acting United States Attorney